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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C. 20554

PETITION FOR RULE CHANGE

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hanges Requested in Part 13

Proliferation of Programmable Radios on unauthorized frequencys in various other radio service under FCC regulation!

his is a general request by the petitioner to have the FCC require the licensing of some radio programmers that rogram that operate in several areas of FCC rules and regulations.

he FCC has long had a problem with searching out "Bootleg" or "Unlicensed" radio operators who have cause a umber of issues of harmful interferences, false reports of emergencies, and a number of other state and local imes. In some case the FCC has found that a "Licensee" in various services will have a number of inauthorized" frequencys programmed into his or her radio as the end user. In most cases the programmer of the idio is a small business, or a un-regulated business selling commercial / police / fire / business, and other radio ervices who earns income from programming the "un-authorized" frequency's into the radio.

d's for 99 channel GMRS radios. and some radios with 320 channels up to 1,000 have came to "Light" over the ears. A number of Volunteer Police / Fire man in small rural communities are the major users of the "rogrammable" commercial type radios. In some case the department that the Volunteer Police / Fire man works or doesn't know or care that the member has the radio. However the fact that the Volunteer buys a "Off-Duty" idio out of his own funds. There is no record in the case of the Agency official radio file. In lot of case the "Off uty" radios are "Programmed" with lots of frequencys witch the Agency has no authority under FCC rules to perate on! In most small community the usual number of radio frequencys that are licensed are a "Hand Full" in ome cases only one authorized frequency or frequency pair is licensed.

pattern of [like above] un-authorized frequency programming of Business Radio to cause trouble to Police / Fire / MS and rescue over the years. The **Proliferation** of Programmable radio's to the "End" user with unuthorized frequencys is the problem! The FCC has taken steps to make sure on Type Accepted or Type pproved Commercial Radio that are marketed not be direct key-board programmable with several exceptions to ie radio services.

nder this proposal Current Commercial Radio Operators would be covered for programming duties. The current ianufactures would also be exempt from this rule. Current Radio Repair Services that are independent of the the bove would be required to make a "application" through a Commercial Examiner system to receive a "Conditional ermit" and would be grandfathered without exam. The application for the "Radio Programmers Permit" in the iture **[fixed date by the fcc in future]** would be by exam. In all applications for "Conditional Radio rogrammers Permit" or "Radio Programmers permit" the application fcc fee & exam fee must be paid even if randfathered under this rule. The "Conditional Permit" would require proof of business and any commercial entificates needed from other certification boards that the FCC may require.

he "Conditional Permit" would require a renewal through a Commercial Exam service every 10 years through pplication. The "Radio Programmer permit" witch is by exam only should be addressed by the commission as a

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life time permit with the needed fixed one time fee. Free updates by the licensee on status of business must be addressed 1 time every 10 years. Change of addresses must take place via the ULS no less than 10 days from change of address.

Each "Radio Programme? would be required to keep a file on each customer or user showing proof of authorization, name, address, telephone number, and other data need to find the end user. The frequencys and emissions / power levels must be pari of the recordkeeping! The record shall be open to the FCC and Local Law Enforcement, but not a Public Record for others review.

Federal Employees or Agents are not subject to this radio programming rule in there duties loading or changing frequencys for the agency they are employed by! The rule doesn't apply in this rule making to off duty work not under the direct control of the Federal agency.

The Rule Making Request also shall apply even if the "Programming" is done for "Free" or "No Charge" by the radio programmer.

In this request it is suggested that the programming first apply to the following bands of frequencys and later to other as times and rules changes in the future are needed!

- [1] Frequencys between 29.705 Mhz to 49.995 Mhz
- [2.] Frequencys between 72.000 Mhz to 76.000 Mhz
- [3,] Frequencys between 140.000 Mhz to 220.000 Mhz * * *
- [4.] Frequencys between 400.000 Mhz to 1,800.000 Mhz

The "Radio Programmers Permit" shall not apply to any SMR, Cell Telephone, PCS Telephone, or any wireless system that using authorized radio and wireless communications frequencies for service to the general public. This exemption to requirement shall apply to future for public utility type wireless systems that also interconnect This above industry is well regulated and there is no need for fcc control

* * * Radio users in the Amateur Radio Service shall not be subject to this requirement for a "Radio Programmers Permit" as long as operations is confined to authorized "Amateur Radio Frequency Bands" Holders of the "Extra Class" Amateur radio license may do programming for free to end users as a example for MARS or Civil Air Patrol on a need for public safety and service. The "WTB" bureau of the fcc will publish a guidelines as to what free programming a "Extra" Class Amateur radio operators can do with out a "Programmers Permit"

Establishing a requirement for a "Permit" or "License" to program future radios to see that the "End" user is not on Police or Fire / Public Safety Frequencys to cause enforcing problems is the issue.

Putting the "programmer" under fcc controls and subject to strict actions to stop the future problems is a must. Under the current modes of enforcement the end users is punished when found, and the present programmers is still selling and programming out of band radios. The drafling of the Exam should be the duties of the various CE Commercial Exam Stations.

It is suggested that the FCC fee be at least 3 to 5 time's the Exam Fee Charged by the Commercial Radio Exam Station. Putting the retail vendor that sell's programmable radios to the public under FCC controls is the only way to put a dent into enforcement!

Input from the radio community is also need to help stop the Proliferation of Programmable radio users using illegal or unauthorized frequencys. Control of Sofl Ware and Computer program boxes have not worked. Record keeping and FCC spot inspection of the programmers will aid in putting the Illegal Programmers out of business. The business man who conducts legal radio service may have to keep record a bit longer only!

Thanks,

Dale E. Reich

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